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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

BENJAMIN JOHN SARGISSON,

Defendant.

CASE NO. 2:22-CR-16-DAD

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
[PROPOSED] ORDER

DATE: October 6, 2022
TIME: 9:30 a.m.
COURT: Hon. Dale A. Drozd

BACKGROUND

This case was set for a status conference on October 6, 2022, before United States District Judge Troy L. Nunley. On August 25, 2022, the Court reassigned this case to United States District Judge Dale A. Drozd. By this stipulation, the parties request that the Court vacate the October 6, 2022, status conference, and re-set it for November 29, 2022, and to exclude time under Local Code T4, for the reasons set forth below, from October 6, 2022, to November 29, 2022.

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By this stipulation, defendant now moves to continue the status conference until November 29, 2022, and to exclude time between October 6, 2022, and November 29, 2022, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].

1 2. The parties agree and stipulate, and request that the Court find the following:

2 a) The government has represented that the discovery associated with this case
3 includes investigative reports and photographs. This discovery has been either produced directly
4 to counsel and/or made available for inspection and copying. The government is also in the
5 process of confirming whether there is additional discovery, which it will produce in the event it
6 is identified.

7 b) Counsel for defendant desires additional time to review the discovery produced,
8 to consult with his client, to conduct investigation and research related to the current charges, to
9 discuss potential resolutions to this matter, and to otherwise prepare for trial.

10 c) Counsel for defendant believes that failure to grant the above-requested
11 continuance would deny him/her the reasonable time necessary for effective preparation, taking
12 into account the exercise of due diligence.

13 d) The government does not object to the continuance.

14 e) In addition to the public health concerns cited by the General Orders and
15 presented by the evolving COVID-19 pandemic, an ends-of-justice delay is particularly apt in
16 this case because the defendant is out of custody and lives an appreciable distance from
17 Sacramento, where defense counsel is based. As a result, all travel must be carefully
18 coordinated, which is more difficult at this time.

19 f) Based on the above-stated findings, the ends of justice served by continuing the
20 case as requested outweigh the interest of the public and the defendant in a trial within the
21 original date prescribed by the Speedy Trial Act.

22 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
23 et seq., within which trial must commence, the time period of October 6, 2022 to November 29,
24 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
25 T4] because it results from a continuance granted by the Court at defendant's request on the basis
26 of the Court's finding that the ends of justice served by taking such action outweigh the best
27 interest of the public and the defendant in a speedy trial.
28

3. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: October 4, 2022

PHILLIP A. TALBERT
United States Attorney

/s/ JAMES R. CONOLLY
JAMES R. CONOLLY
Assistant United States Attorney

Dated: October 4, 2022

/s/ RON PETERS
RON PETERS
Counsel for Defendant
BENJAMIN JOHN SARGISSON

ORDER

Pursuant to the parties' stipulation, the status conference previously scheduled for October 6, 2022, is vacated and re-set for November 29, 2022, at 9:30 a.m. before the undersigned. Time is excluded under Local Code T4, for the reasons set forth in the stipulation, from October 6, 2022, to November 29, 2022.

IT IS SO ORDERED.

Dated: October 4, 2022

Dale A. Drozd
UNITED STATES DISTRICT JUDGE